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OUR FILE NO. 347155-29

*VIA E-FILE*

Magistrate Judge Elizabeth D. Laporte  
450 Golden Gate Avenue  
San Francisco, CA 94102

**Re: Network Appliance, Inc. v. Sun Microsystems, Inc., U.S.D.C., Case No. C-07-06053 EDL**

Dear Magistrate Judge Laporte:

Pursuant to Local Rule 7-11, Sun Microsystems, Inc. ("Sun") and NetApp hereby jointly move the Court for an Order permitting Sun and NetApp to each file a 45-page Responsive Claim Construction Brief ("Opposition").

As the Court may recall, the Court previously granted both Sun's and Network Appliance's requests to file opening claim construction briefs no longer than 45 pages. (July 3, 2008, Order Granting Sun's Request to Exceed Page Limit, Doc. 84; July 3, 2008, Order Granting NetApp's Request to Exceed Page Limit, Doc. 86.) Sun's Opening Claim Construction Brief addressed seven claim terms across three patents, and NetApp's Opening Claim Construction Brief addressed seven claim terms across four patents. Consequently, Sun and NetApp request additional space to fully respond to the opening arguments and provide the Court adequate briefing of the technology and issues at hand.

Therefore, Sun and NetApp respectfully request that the Court allow Sun and NetApp to each file a 45-page Responsive Brief.

Respectfully,

DLA PIPER US LLP

**/s/ Carrie L. Williamson**

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